

REMARKS

The Official Action of April 2, 2007, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims under consideration are Claims 1-22.

1. Restriction Requirement

Under 35 U.S.C. 121 and 372, the Examiner required restriction among:

Group I: Claims 1-20 (in part) drawn to compounds/compositions of formula (I), process of making and methods of use (e.g. treating anxiety, depression or migraine);

Group II: Claims 1-17 and 21 (in part) drawn to compounds/compositions of formula (I), process of making and methods of use (e.g. treating schizophrenia); and

Group III: Claims 1-17 and 22 (in part) drawn to compounds/compositions of formula (I), process of making and methods of use (e.g. treating epilepsy).

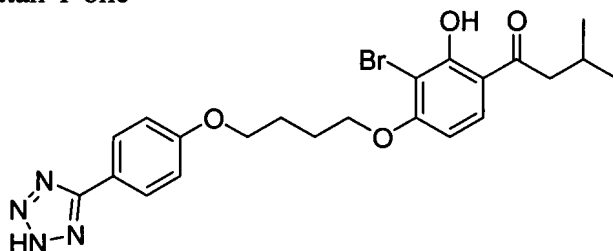
In response to this requirement, the Applicants hereby elect Group II: Claims 1-17 and 21 (in part) drawn to compounds/compositions of formula (I), process of making and methods of use (e.g. treating schizophrenia).

The claims reading on this group are Claims 1-17 and 21.

The Examiner further requested election of a single species for purposes of the search.

In response to this requirement, Applicants hereby elect for the purposes of search the title compound of Example 31 with traverse:

1-(3-Bromo-2-hydroxy-4-{4-[4-(2H-tetrazol-5-yl)-phenoxy]-butoxy}-phenyl)-3-methyl-butan-1-one



The claims reading on this compound are Claims 1-8, 10-17 and 21.

Applicants respectfully request reconsideration and withdrawal of the foregoing requirements for restriction under 37 C.F.R. §1.143.

As stated in MPEP §803 there are two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required.

As the Examiner noted, the designated Groups are patentably distinct as claimed. Applicants respectfully assert, however, that there will not be a serious burden on the Examiner if restriction is not required.

The common structural core which is found among the compounds which are prepared and employed in accordance with the present invention provides unity of invention and a common link among the above-noted groups, thus facilitating examination.

Because no serious burden for examination is present if restriction is not required, Applicants respectfully request withdrawal of the requirement for restriction.

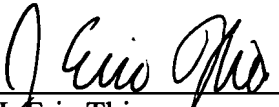
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This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

Respectfully submitted,

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